

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

MINUTES OF BOARD MEETING

January 22, 2009, 11:00 a.m.
City Hall
City of El Centro
1275 Main Street
El Centro, CA 92243

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by the Chair Ellen Way at 11:05 a.m. on January 22, 2009 in the City Hall, City of El Centro, California.

Roll Call (Board Members Only)

Board Members Present:

Tom Davis, Jeff Hays, Edward Muzik, Rick Post and Ellen Way. The Board Secretary stated that a quorum was present.

Staff Present:

Jose Angel, Terry Barnes, Mary Castaneda, Jose Cortez, Herb Jackson, Robert Perdue, Cliff Raley, Logan Raub, Jon Rokke, Hilda Vasquez, Doug Wylie and Nadim Zeywar.

Others Present:

Julius J. Aglupos, Niland Sanitary Board
David K. Godsey, Niland Sanitary District
Monica Swartz, Coachella Valley Water District
Mark Bohannon, Centinela State Prison
Juan A. Nessi, Centinela State Prison
Lars Seifert, Imperial County Environmental Health
Amanda Brooke, Superintendent, McCabe School District
Michele Ochs, Mesquite Regional Landfill
Arlyn Atadero, Assistant Superintendent, McCabe School District
Mark Larson, McCabe School
Anna Morales, USIBWC
Esperanza Colio, Imperial County
Joel Hamby, Westmorland
Joe Cornejo, IVC WWTP
Rick Webster, IVC Maintenance
Robert Edwards, City of Indio

Ruben Parra, Cit of El Centro
Ivan Karnezis, Caltrans
Sue Gillen, Valley Solutions Group
Chris Schoneman, Salton Sea National Wildlife Refuge
Tom Vandenberg, Office of the Chief Counsel, SWRCB

Minutes

1. Minutes of November 19, 2008 Board Meeting

MOTION: Rick Post moved, Jeff Hays seconded, and motion carried unanimously that the Minutes be adopted as amended with the errata.

Public Forum

2. No public comments.

UNCONTESTED WASTE DISCHARGE REQUIREMENTS

3. JS R7-2009-0002 Update of Waste Discharge Requirements for the **Niland Class III Municipal Solid Waste Management Facility**; Niland – Imperial County.
4. JC R7-2009-0009 Waste Discharge Requirements Order No. R7-2009-0009 for **Kpartners Twentynine Palms L.P., Owner, Fairfield Inn and Suites Operator Fairfield Inn and Suites Wastewater Treatment and Disposal Systems**; City Of Twentynine Palms – San Bernardino County
5. JC R7-2009-0010 Waste Discharge Requirements for **Nathsons Construction, Inc., Owner/Operator La Quinta Inn and Suites Wastewater Treatment and Disposal Systems**; City of Twentynine Palms – San Bernardino County
6. JS R7-2009-0012 Rescission of Waste Discharge Requirements for **Synagro – Colorado, Chuckawalla, and Whitewater**; Riverside County

MOTION: Rick Post moved, Tom Davis seconded. The motion carried unanimously that Order Nos. R7-2009-0002, R7-2009-0009, R7-2009-0010 and R7-2009-0012 be adopted.

UNCONTESTED ENFORCEMENT ACTIONS

7. DW R7-2009-0001 Cease and Desist Order No. R7-2009-0001 Issued to **City of Westmorland, Owner/Operator Municipal Wastewater Treatment Plant**; Westmorland – Imperial County

MOTION: Tom Davis moved, Jeff Hays seconded. The motion carried unanimously that Order No. R7-2009-0001 be adopted as amended with the errata.

8. DW R7-2009-0005 Administrative Civil Liability Order No. R7-2009-0005 In the Matter of **California Department of Corrections and Rehabilitation and Centinela State Prison, Owner/Operator Wastewater Treatment Plant**; Imperial – Imperial County

MOTION: Jeff Hays moved, Rick Post seconded. The motion carried unanimously that Order No. R7-2009-0005 be adopted as amended with the errata.

9. DW R7-2009-0007 Cease and Desist Order No. R7-2009-0007 issued to **Niland Sanitary District, Owner/Operator Wastewater Treatment Plant**; Niland – Imperial County

MOTION: Rick Post moved, Ed Muzik seconded. The motion carried unanimously that Order No. R7-2009-0007 be adopted as amended with the errata.

PUBLIC HEARING REGARDING 303(d) LIST

10. LR R7-2009-0014 Resolution for Proposed **Revisions to the 303(d) List of Impaired Water Bodies in the Colorado River Basin Region** – Region Wide

MOTION: Jeff Hays moved, Tom Davis seconded. The motion carried with the exception of one No, that Order No. R7-2009-0014 be adopted as amended with the errata.

Regional Board staff, Logan Raub, gave a 15-minute presentation discussing the review and update process for the Region's 303(d) List. He discussed the guidelines applied during the review and supporting the proposed updates, and provided clarification to questions raised by the Regional Board Members during the presentation. He mentioned that hundreds of thousands of water quality points of data were evaluated, including nearly 700 lines of evidence. He stated that the proposed listing was

consistent with the State 303(d) Listing Policy and recommended the Regional Board adopt the proposed updated List.

Dr. Schultz, representing Coachella Valley Water District (CVWD) challenged the listing of Arsenic, Chlorpyrifos, DDT, and Diazinon as pollutants impairing the Salton Sea. Her reasons for challenging the listings were that the data supporting the listings was too old, and no longer represented the current conditions in the Sea. She stated that, because of the rising salinity in the Sea, the bioaccumulation of Arsenic in fish tissue or the toxicity of Arsenic is reduced. She also stated that for the listing of DDT, the fish species that were identified as exceeding the Fish Contaminant Goal were no longer present in the Salton Sea, and the only species of fish left in the Salton Sea were desert pupfish and tilapia. She added that Regional Board staff had agreed to withdraw the proposal to list Diazinon as an impairment because no saline standard could be found, but thought that application of a saline standard to support the listing of chlorpyrifos was inadequate. She also challenged the designated beneficial use of WARM in the Salton Sea. Dr. Schultz also challenged the listing of DDT, Dieldrin, and PCBs as pollutants impairing the Coachella Storm Water Channel. She emphasized that the data used for the proposed listing were too old and no longer representative of conditions in the Channel.

Regional board staff responded that CVWD raised the challenges in a comment letter received by staff on January 12, 2009, four days after the public commenting period had ended; and that staff responded to the challenges in a letter dated January 21, 2009, which was also delivered to CVWD staff by via fax and email. Regarding the age of the data, staff indicated that State Policy guidelines dictate that all relevant data, regardless of age, need to be used in preparing the List; and that staff use the most current available data. Staff also pointed out that it contacted stakeholders in writing in 2007, when it began updating the List, asking them to provide whatever data they wanted us to consider for the listing. Staff did not receive any data from CVWD. Because no new information was brought forth during the data Solicitation period, staff use the available data for the proposed listing.

Ms. Schultz was asked by Regional Board members why the data to support her challenges not provided to staff for review on a timely manner and why CVWD was raising the issues at the “eleventh hour.” If Ms. Schultz had new information to support her assertions that the conditions in the “Sea have changed, and that the rising salinity has affected the bioaccumulation of Arsenic, then she was encouraged to provide it to Regional Board staff. Ms Schultz was unsure whether the data even existed and, if so, and stated that was not at liberty to provide them to the Regional Board, without prior authorization from CVWD.

The Regional Board adopted the Resolution R7-2009-0014, with the proposed updates to the Region's 303(d) List, which includes 17 New Listings, eight Delistings, and 1 Category Change.

RESOLUTION

11. JA R7-2009-0017 Resolution Memorializing **US International
Boundary and Water Commissioner Carlos Marin**

MOTION: Jeff Hays moved, Rick Post seconded. The motion carried unanimously that Resolution No. R7-2009-0017 be adopted.

OTHER BUSINESS

12. The election of the Chair and Vice-Chair - EW

MOTION: Ed Muzik moved, Tom Davis seconded. The motion carried unanimously that Ellen Way remain as Chair and Jeff Hays remain as Vice-Chair for the year 2009.

13. Informational Update on Basin Planning Activities – AH

Basin Planning Update – for the January 16, 2009 Regional Water Board Meeting

Presented by: Jon Rokke

Basin planning staff is currently working on seven proposed basin plan amendments. These are:

- An amendment to use a single indicator bacteria (specifically E. coli) in Coachella Valley Stormwater Channel (CVSC) to protect human health from gastrointestinal illness, and the water contact recreation (or REC-1) beneficial use (BU). This requires amending the basin plan to remove water quality objectives in CVSC for all fecal coliforms, which includes enterococci and fecal streptococcus;
- An amendment to suspend the REC-1 BU in CVSWC during critical flows caused by storm events;
- An amendment to conditionally prohibit septic tanks in the Town of Yucca Valley;
- An amendment to correct and update the Basin Plan, parts of which have not been revised since 1984. and finally
- Separate amendments for Coachella Valley, Palo Verde Valley, and Bard Valley (three amendments in total) to conditionally prohibit Agricultural discharges.

Basin planning staff conferred with meteorologists from the National Weather Service in San Diego on December 15, 2008, regarding the methodologies used to issue different levels of flash flood notices for the Coachella Valley. These methodologies may become the scientific underpinning for the CVSC amendment to suspend the REC-1 beneficial use during critical flow storm events.

Staff is coordinating with the Coachella Valley Water District to organize a new Technical Advisory Committee (TAC) for the Coachella Valley Ag Prohibition. A notice to recruit TAC members is currently under management review. TAC members will be tasked with assisting and advising basin planning staff in the development and implementation of the conditional prohibition.

Staff attended the “economic stimulus” workshop in Riverside on January 15, 2009, held by the State Water Board. Possible incentives for “shovel ready projects” include “principal forgiveness”, negative interest rates, and grants. Monies will be distributed through the State Revolving Fund Program. Economic stimulus monies will be essential for area projects such as the Yucca Valley municipal wastewater treatment and sewer system.

14. Informational Update on Bull Enterprises – CR

Cliff Raley, Senior Engineer, described measures taken (including meetings with the Discharger, inspections, file reviews, and consultation with California Department of Public Health) to ensure that the Bull Enterprises’ monitoring and reporting program (MRP) is appropriately revised. A proposed revised MRP will be presented to the Board during the March 2009 meeting.

15. Informational Update on the Operational Status of the Mesquite Regional Landfill – Robert Asgian/CR

Robert Asgian, Water Quality & Soils Engineering Section Head for the Sanitation Districts of Los Angeles County, described how waste disposal operations for LA County will be augmented with the addition of the Mesquite Regional Landfill. He stated that Cell 1 of the Landfill is ready to receive wastes. Waste will be screened at a transfer station in Puente Hills, containerized, and shipped by rail to the Mesquite Regional Landfill in Imperial County. Mr. Asgian also described the containment components and monitoring features of the newly constructed 7-acre Cell No. 1, and the benefits that this facility will provide to Imperial County.

16. Informational Update on State Water Resources Control Board Activities – /TV

Mr. Vandenberg reported on several policies being considered for adoption by the State Water Board, including the water recycling policy and an updated enforcement policy. He also briefly described his trip with Mr. Jose Angel, Assistant Executive Officer, and Mike Kashak, Regional Board staff, to Mexicali to participate with their Mexican regulatory agency counterparts and the International

Boundary and Water Commission staff in their monthly water quality sampling of the New River and its tributaries.

17. Colorado River Basin Water Board Executive Officer's Report – RP

Robert Perdue described the ongoing budget crisis and impacts on the state workers, Proposition/Bond funding, and tank cleanup funds.

18. Colorado River Basin Water Board Member Comments

Ed Muzik discussed federal stimulus funding for shovel ready projects for communities. Vice Chair Jeff Hayes mentioned upcoming meetings concerning funding for Duroville on the Torres-Martinez tribal land.

19. Colorado River Basin Water Board Chair's Report – EW

The Chair had no report at this time.

CLOSED SESSION

20. At any time during the regular session, the Board may adjourn to meet in closed session to consider evidence received in an adjudicatory hearing and deliberate on a decision to be reached based on that evidence [Authority: Government Code Section 11126(c)(3)]; to discuss significant exposure to litigation [Authority: Government Code Section 11126(e)(2)(B)(i)]; to discuss whether to initiate litigation [Authority: Government Code Section 11126(e)(2)(C)(i)]; or to discuss initiated litigation [Authority: Government Code Section 11126(e)]. Discussion of litigation is within the attorney-client privilege and may be held in closed session [Authority: Government Code Section 11126(e)(2)].

There was no closed session.

Arrangements for Next Board Meeting

Date: March 19, 2009 at 10:00 a.m., in Palm Desert.

Adjournment

The meeting adjourned at 2:40 p.m.

MOTION: Jeff Hays moved, Tom Davis seconded. The motion carried unanimously that the Board Meeting be adjourned.